

Notice of Allowability

Application No.

09/514,642

Examiner

Gregory J. Vaughn

Applicant(s)

DANNER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of March 15, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 8-10, 16, 19-24, 28-31, 35-37 and 43-53.
3. ☒ The drawings filed on 19 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

**EXAMINER'S AMENDMENT AND
REASONS FOR ALLOWANCE**

Application History

1. This action is responsive to the applicant's personal interview request and subsequent interview. The personal Interview was held on 3/15/2005 at the USPTO office in Alexandria, Virginia. During the interview, an agreement was reached related to an amendment of the application claims. This amendment appears below under the heading of *Examiner's Amendment*.
2. Claims 1-4, 8-10, 16, 19-24, 28-31, 35-37 and 43-53 are pending in the case, claims 1, 16, 28 and 46 are independent claims.
3. The examiner's rejection of claims 1-4, 16, 22-24, 28-31 43-49, and 53 made under 35 U.S.C. 103(a) as being unpatentable over Ladd et al., US Patent 6,269,336, in View of Humpleman et al., US Patent 6,546,419, as recited in the office action of 9/12/2004, are withdrawn in view of the examiner's amendment described below.
4. The examiner's rejection of claims 8-10, 19-21, 35-37 and 50-52 made under 35 U.S.C. 103(a) as being unpatentable over Ladd in view of Humpleman, and in further view of Serbinis et al. US Patent 6,584,466, as recited in the office action of 9/12/2004, are withdrawn in view of the examiner's amendment described below.

Examiner's Amendment

5. An examiner's amendment to claims 1, 16, 28 and 46 appear below. Text added by this amendment is shown underlined. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Leon R. Turkevich on March 15, 2005.

6. Rewrite claims 1, 16, 28 and 46 as follows:

1. (CURRENTLY AMENDED) A method in an executable system for controlling execution of an executable voice application, the method comprising:

storing an extensible markup language (XML) control document specifying at least one shared application control parameter specifying basic control defaults for execution of the executable voice application in an application runtime environment generated by the executable system;

parsing the XML control document for execution of the executable voice application by the application runtime environment according to the at least one shared application control parameter;

controlling execution of a first instance of the executable voice application for a first subscriber, by the application runtime environment, based on parsing a corresponding first user-specific XML control document specifying

user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter; and

controlling execution of a second instance of the executable voice application for a second subscriber, by the application runtime environment and concurrent with execution of the first instance, based on parsing a corresponding second user-specific XML control document specifying user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter.

16 (CURRENTLY AMENDED) A system configured for controlling execution of a voice application, the system including:

a computer-based system configured for generating a shared extensible markup language (XML) control document, for controlling execution of the voice application, that specifies a corresponding shared application control parameter specifying basic control defaults for execution of the executable voice application in an application runtime environment, the computer-based system including an application server configured for generating the application runtime environment for execution of the voice application based on parsing the shared XML control document; and

a storage medium configured for storing the XML control document for parsing in the application runtime environment;

wherein the computer-based system is configured for generating a plurality of user-specific XML control documents for respective subscribers,

the application server configured for concurrently executing the voice application for first and second of the subscribers based on parsing respective selected first and second of the XML control documents, each of the first and second XML control documents specifying at least one corresponding user-specific application control parameter overlying the basic control defaults specified in the shared application control parameter.

28. (CURRENTLY AMENDED) A computer readable medium having stored thereon sequences of instructions for controlling execution of a voice application by an executable system, the sequences of instructions including instructions for performing the steps of:

storing an extensible markup language (XML) control document specifying at least one shared application control parameter specifying basic control defaults for execution of the executable voice application in an application runtime environment generated by the executable system;

parsing the XML control document for execution of the executable voice application by the application runtime environment according to the at least one shared application control parameter;

controlling execution of a first instance of the executable voice application for a first subscriber, by the application runtime environment, based on parsing a corresponding first user-specific XML control document specifying user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter; and

controlling execution of a second instance of the executable voice application for a second subscriber, by the application runtime environment and concurrent with execution of the first instance, based on parsing a corresponding second user-specific XML control document specifying user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter.

46. (CURRENTLY AMENDED) A system for controlling execution of an executable voice application, the system comprising:

means for storing an extensible markup language (XML) control document specifying at least one shared application control parameter specifying basic control defaults for execution of the executable voice application in an application runtime environment generated by the executable system;

means for parsing the XML control document for execution of the executable voice application according to the at least one shared application control parameter;

means for controlling execution of a first instance of the executable voice application for a first subscriber, by the application runtime environment, based on the means for parsing having parsed a corresponding first user-specific XML control document specifying user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter;

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the means for controlling execution further configured for controlling execution of a second instance of the executable voice application for a second subscriber, concurrent with execution of the first instance, based on the means for parsing having parsed a corresponding second user-specific XML control document specifying user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 16, 28 and 46, the prior art of record neither anticipates nor suggests to a person of ordinary skill, at the time the invention was made, the claimed feature of controlling a executable voice application with a first XML control document that specifies a shared application control parameter specifying basic control defaults of the voice application, and a second XML control document that specifies user-specific application control parameters overlying the basic control defaults specified in the shared application control parameter.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
March 16, 2005



STEPHEN HONG
SUPERVISORY PATENT EXAMINER